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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/319,438	06/07/1999	JOHN WALTERS	14-196PCT	3079
2292	7590	05/20/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			SPERTY, ARDEN B	
			ART UNIT	PAPER NUMBER

1771

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/319,438

Applicant(s)

WALTERS ET AL.

Examiner

Arden B. Sperty

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 13 and 30-34 is/are pending in the application.
- 4a) Of the above claim(s) 30-32 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33 and 34 is/are allowed.
- 6) ☒ Claim(s) 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

NON-FINAL OFFICE ACTION

1. Applicant's amendment and arguments, submitted 2/04/05, have been entered and carefully considered. The rejections made under 35 USC 112, first and second paragraphs, have been withdrawn. The rejection made under 35 USC 102 (b) is also withdrawn. Despite these advances, the claims remain rejected as a result of art which was located in an updated search.

Claim Rejections - 35 USC § 112

2. The previously stated 35 USC 112, first paragraph, rejection is withdrawn per Applicant's remarks. The description of the process in the specification is seen to inherently provide enablement for edge margins having a uniform substance wt/unit area.

3. On page 5 of the remarks, Applicant refers to an amended portion of the specification for clarification of the rejection. Applicant states that the specification has been amended at page 4, first full paragraph. However, the examiner is unable to locate any such amendment. An amendment to the specification did not accompany the response of 2/04/05, nor can a previously-submitted amendment be found in the record.

4. The previously stated 35 USC 112, second paragraph, rejection is withdrawn per Applicant's remarks. It is understood that the "substance wt/unit area" is not the same as "density."

5. New claims 33 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Although the preamble of the claim refers to

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an intended use of the glass mat, the body of the claim does not positively recite any matrix in which the mat is embedded, therefore the requirement is given little weight.

The intended use is not seen to have an effect on the glass mat itself.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 12-13 and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 4869942 to Jennus et al.

8. Jennus teaches a laminated roofing shingle comprising several glass mat layers (abstract). Figure 2 shows the laminate comprising an upper, wide, glass mat layer and a lower, narrower, glass mat layer. Thus the edge margins of the composite, those portions extending beyond the edges of the narrower lower layer, have a lower substance weight/unit area than the center portion of the laminate. The edges have a uniform weight of 16 lb/1000 ft².

9. Claims 33 and 34 are anticipated, despite the recited intended use. Although the preamble of the claim refers to an intended use of the glass mat, the body of the claim does not positively recite any matrix in which the mat is embedded, therefore the requirement is given weight to the extent that the mat is embedded in any matrix, not limited to cement or gypsum. The intended use is not seen to have an effect on the

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glass mat itself. Therefore, the Jennus reference is seen to anticipate the claim limitations because the mat of Jennus is embedded in a bituminous matrix.

Response to Arguments

10. As stated above, the 35 USC 112 rejections have been withdrawn per Applicant's remarks. Since the substance wt/unit area is not the same as density, the 35 USC 102(b) rejection from the previous action is withdrawn. The prior art teaches edges which are compacted, having a different density than the rest of the glass mat. However, compacting the edges does not change the amount of substance wt per unit area. Therefore, the rejection is withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arden B. Sperty whose telephone number is (571)272-1543. The examiner can normally be reached on M-Th, 08:00-16:00.

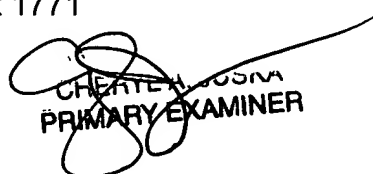
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571)272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arden B. Sperty
Examiner
Art Unit 1771

May 13, 2005



CHERIE A. ROSS
PRIMARY EXAMINER